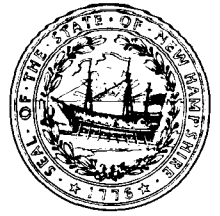




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

October 14, 2004

**LETTER OF DEFICIENCY #WSEB 04-171**  
Certified Mail #7000 0600 0023 9932 8089

Kenneth Guerra  
Waterville Acres Association  
c/o Richard Giuliano  
32 Welch View Drive  
Campton, NH 03223

Subject: Thornton – Public Water System: Waterville Acres Condominiums (EPA #2342070)

Dear Mr. Guerra:

The records of the Department of Environmental Services (DES) show that Waterville Acres Condominiums water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Administrative Rule Env-Ws 325.

DES records show that Standard Maximum Contaminant Level (MCL) violations for total coliform bacteria, as defined in NH Admin. Rule Env-Ws 315.01 have occurred and that letters of violation were issued for the following months:

**August 2004 and October 2004**

DES believes the MCL violations can be corrected and future violations prevented by taking the following actions:

1. **By October 28, 2004**, retain the services of a qualified water system consultant to address the system's water quality problems relative to the recent bacteriological occurrences; and
2. **By November 11, 2004**, submit to DES for review a copy of the consultant's report which shall include recommendations to correct the bacteria contamination; and
3. **By November 29, 2004**, submit to DES for review and approval an implementation schedule which identifies specific dates by which steps to correct the bacteria contamination will be accomplished.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has exceeded the MCL limit for coliform bacteria. DES records show that the water system has failed to perform public notification for the August 2004 MCL violation.

To date, the water system has not submitted proof of public notice for the October 2004 MCL violation.

In view of the public notice violation, DES believes the deficiency can be corrected, and future violations prevented, by taking the following actions:

4. **By October 28, 2004**, carry out the public notice requirements for the August 2004 and October 2004 MCL violations listed above; and
5. **By November 11, 2004**, provide proof of public notice to DES.


In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The copy of the consultant's written report **and the implementation schedule** as requested above should be addressed as follows:

Anne S. Bailey  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

Please contact Anne Bailey by phone at (603) 271-0672, or by e-mail at [abailey@des.state.nh.us](mailto:abailey@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

  
Rene Pelletier, P.G., Manager  
Land Resource Programs

Enclosures: MCL public notice form  
Master Sampling Schedule

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cc: Gretchen R. Hamel, DES Legal Unit Administrator  
Town of Thornton Health Officer  
Richard Giuliano, Primary Contact/Operator (w/enclosures)  
EPA Region I